

**ADULT PROTECTIVE
SERVICES (APS)
LEGAL
REPRESENTATION**

When a petition for a guardian or conservator, filed by APS is contested, the APS worker must be represented by legal counsel.

There are three ways to obtain legal counsel for these contested hearings.

**Local Prosecuting
Attorney**

The first option an APS worker must seek for legal representation is their local prosecuting attorney's (PA) office. Under some circumstances, the local PA will provide free representation. If the PA requests payment for representing APS, APS must then seek representation by a Special Assistant Attorney General.

**Special Assistance
Attorney General
(SAAG)**

The Michigan Attorney General's Office (AG) has agreed to provide representation for APS in contested hearings and has compiled a list of Special Assistant Attorney Generals (SAAG) from across the state. The AG has contracted with these SAAG's to provide APS representation for contested guardianship petitions.

A list of available SAAG's is located on the Adult Services home page on the DHS intranet. This list includes the counties each SAAG has agreed to represent.

DHS-686, Adult Services Legal Representation Request Form

The DHS-686, Adult Services Legal Representation Request Form, is used to notify the Office of Adult Services (OAS) and the AG that the local office has retained legal representation from an identified SAAG. The DHS-686 is completed by the adult services worker, signed and forwarded to their supervisor.

The adult services supervisor must review the DHS-686 for accuracy and need for representation. If approved, the supervisor signs the DHS-686 and emails a copy of the signed form to all of the following email addresses, with the subject heading "APS Legal Representation":

- Policy-Adult-Services-DHS@michigan.gov
- howdr@michigan.gov
- Blackc9@michigan.gov

Note: Retain the signed copy of the DHS-686 in the APS case file.

Payment for SAAG Services

Once representation has been provided, the SAAG will forward their invoice to the AG for review. The AG will then forward to OAS who will process the DHS-1582, Payment Voucher and forward to accounting to process payment.

Local Attorney

When the local office is unable to retain representation from either the PA or a SAAG, **they must email the OAS policy mailbox for approval and instructions** on obtaining a local attorney for needed representation. Policy-Adult-Services-DHS@michigan.gov

Note: Use of a local attorney must always be the last option after contacting the local PA and SAAG.

LEGAL BASE

Social Welfare Act, Act 280 of the Public Acts of 1939, as amended, MCL 400.11 - 400.11f.